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Human Rights at the United Nations: In a Tension Between Universality and Ambivalence

Abstract: This paper analyzes the tension, within the context of the United Nations, between the proclaimed the universality of human rights, proclaimed since 1948 and the progressive destabilization of their core content, in a dramatic momentum since 1968. The paper identifies key milestones in this process. It uses a historical approach revisiting the context in which human rights integrated the UN mandate and were later interpreted at major international conferences, focusing on the leadership of feminist individuals and lobbies. It relates the tension between universality and ambivalence to a conflict between two opposed anthropological perspectives, viewing the human being either as a person endowed with a given nature, or as an individual with the power to freely choose how to construct itself. Those upholding the former view may not always have reached as clear a consensus as generally assumed on the very concept of person. The way forward may be to complete the past anthropological underpinnings of universal human rights with the development of an ontology of love.

Key words: human rights, human person, individuals, given, constructed, universal, ambivalent, free choice.

Introduction

Especially since the 1960s, human rights at the United Nations (UN) have lent themselves to the promotion of agendas breaking with the spirit of the Universal Declaration of Human Rights (UDHR). By and large, the right to almost any arbitrary individual or group choice has become, to leading global governance actors, the new self-evident, the new “universal”. Within the human rights system, two anthropological perspectives now vie for dominance. Investigating the history

of how the two perspectives came about and how one broke from the other can help discern the way forward. Wasn't the synthesis underpinning the UDHR and its view of the human person lacking an ontology of love?

From 1945 to 1966: the universal rights of the human person?

While the maintenance of peace and security was clearly the primary goal envisioned by the founding members of the UN, the expression "human rights" appears in prominent places² in the 1945 Charter. In the preamble's opening paragraph, "We the peoples of the United Nations", the stated authors of the foundational document, declare being determined "to reaffirm faith in fundamental human rights, in the dignity ... of the human person". It is noteworthy that from the outset, the Charter relates human rights to the *human person*, not to *individuals*. The word "faith" and the qualifier "fundamental" (as opposed to "legal", or "positive") furthermore evoke, at least implicitly, the recognition of a given and universal human nature. Article 1 (Art.) establishes as the organization's third purpose "to achieve international co-operation in ... promoting and encouraging respect for human rights ... for all". The Charter counts this purpose among the powers and functions of the General Assembly (GA), the UN's main representative, deliberative and policymaking body (Art. 13 1b)³. It establishes that the Economic and Social Council (ECOSOC) "may make recommendations for the purpose of promoting respect for, and observance of, human rights ... for all" (Art. 62/2) and that the Council "shall set up commissions in economic and social fields and for the promotion of human rights..." (Art. 68)⁴. The Charter applies the expression "equal rights" to "men and women", to "nations large and small" (preamble) and to "peoples" (Art. 1/2 and 55).

The insertion of human rights in the UN Charter, as a general purpose of the organization, and the major place they occupy within the mandate of the new body are largely due to the initiative of the United States (US), the leading

² The terms "human rights" appear 7 times in the UN Charter; "rights" alone, 20 times; and "equal rights", 3 times.

³ Art. 13 1B of the Charter counts among the powers and functions of the GA to assist "in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion".

⁴ The Charter also refers to the promotion of universal respect for human rights in its chapter on international social and economic co-operation (chapter 9) and in its chapter on the Trusteeship Council (chapter 12).

actor in the creation of the UN. At the 1944 Dumbarton Oaks meetings, where proposals for the establishment of the future UN were made, the US was the only participating state promoting the observance of human rights: “None of the other states had referred to this subject in their respective papers” [Russell 1958: 423]. The bipartisan US delegation to San Francisco supported human rights [ibid: 590]⁵. The US related the atrocities of two devastating world wars to what the UDHR later called “disregard and contempt for human rights” [UDHR 1948: preamble]. The US had had its Bill of Rights since 1791. In the 1776 Declaration of Independence, the first thirteen united States of America had declared to hold “these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness”. The US Declaration of Independence, which relates what is “self-evident” to truth, an openness to transcendence, the law of nature and universality, informed the spirit of the American support for human rights when the UN Charter was being drafted. In the early 1940s, the US State Department had discussed the idea of a Bill of Rights, or Declaration of Human Rights, prior to the adoption of the UN Charter [Russell 1958: 323-329]. It dropped the idea in 1944, presumably feeling “it was unrealistic to expect that such a controversial subject would lend itself to ready agreement” [ibid: 329].

At its first session in London in February 1946, the GA transmitted a Draft Declaration on Fundamental Human Rights and Freedoms to ECOSOC for reference to the Commission on Human Rights, in view of its preparation of an international bill of rights. Under the terms of Charter Art. 68, ECOSOC had, in 1946, established the Commission on Human Rights (CHR)⁶. In January 1947, the CHR, made up of 18 members from various political, cultural and religious backgrounds, established a drafting committee for the UDHR. Eleanor Roosevelt, who had been a US delegate to the inaugural meetings of the first UN GA in 1946, chaired this committee. The French diplomat René Cassin composed the UDHR first draft.

⁵ Republican Senator Vandenberg counted among those suggesting that human rights should be placed as a general purpose of the UN “rather than be limited to the economic and social organ” [Russell 1958: 610].

⁶ It had also then established the Sub-Commission on the Status of Women, likewise a functional commission. The CHR was replaced by the Human Rights Council in 2006.

The UN GA adopted the UDHR in Paris on December 10, 1948⁷. The UDHR *declares* what is universally recognizable as true and real. Its preamble quotes from that of the Charter and restates the dignity of “the human person”⁸. When looking at the history of the UDHR on the UN website today, it states that “World leaders decided to complement the UN Charter with a road map to guarantee the rights of every individual everywhere” [History of the Declaration | United Nations]: a telling semantic shift from *person* to *individual*. The Declaration qualifies human dignity as *inherent*. It declares rights to be *inalienable*. It recognizes mankind to have a *conscience* (preamble); “all human beings” to be “*born* free and equal in dignity and rights” (Art. 1) and to be “endowed with *reason* and *conscience*” (Art. 1); *parents* to hold the right to choose the education that shall be given to their children (Art. 26/3); and the family (in the singular – not “families”) to be “the *natural* and fundamental group unit of society ... entitled to protection by society and the State”, to be based on marriage between a man and a woman (Art. 16/1) and to be entered into only with the free and full consent of the intending *spouses*, unequivocally understood in the context of these documents to mean a husband and a wife, a man and a woman (Art. 16/2). The Declaration *names* universal, interrelated, inalienable, indissoluble realities as they are – such is indeed the function of language. The value system of the UDHR was prevalent in the post-World War II world⁹ of international cooperation, at least in the Western and Judeo-Christian worlds and those parts of the non-Western world under its influence as colonies.

Even if it did not specifically mention God, the Declaration could to a large extent be interpreted as in accordance with the divine law written on all human hearts, with the biblical tradition. The language of the UDHR clearly reflects a worldview open to an order established by a transcendent Being. A member of the drafting sub-Committee, Hernán Santa Cruz of Chile, wrote the following in his memoirs about the Paris meeting: “I perceived clearly that I was participating in a truly significant historic event in which a *consensus* had been reached as to the supreme value of the human person, a value that did not originate in the decision

⁷ See UN GA Resolution 217 A (III) of December 10, 1948. Eight nations abstained from the vote. None dissented.

⁸ 5 references to person, 3 to personality. Art. 6 states that “Everyone has the right to the recognition everywhere as a person before the law”.

⁹ The signatories also counted China among other Asian countries (Burma, India, Thailand, Philippines...) and Iran among other countries with an Islamic majority (Iraq, Afghanistan, Turkey, Egypt, Syria, Pakistan, Ethiopia).

of a worldly power” [ibid.]¹⁰. In 1948, there was, by and large, a *consensus* on the *universal* nature of the human person¹¹.

In 1966, UN member states adopted the *Covenant on Civil and Political Rights* (CCPR) and the *Covenant on Economic, Social and Cultural Rights* (CESC) to give the five categories of human rights a binding character. Together with the Declaration, they form the International Bill of Rights. Both covenants use the language of the UN’s foundational documents. They recognize that rights “derive from the inherent dignity of the human person” and are “inalienable”¹². The words *inherent*, *inalienable* evoke the *givenness* of human nature. According to the Bill of Rights, human dignity, fundamental freedoms, marriage, the family, the equal rights of man and woman and the human person itself are not a matter of *construction*, but one of recognition of what is. Indeed, the function neither of law nor of language is not to *construct* reality and truth, but to *declare* what is right. If such were not the case, the law and universality would be arbitrary impositions. But a new language was about to vie for semantic dominance within the UN human rights system.

In its preamble, the UDHR stated the “greatest importance” of “a common understanding” of human rights “for the full realization” of its pledge. To what extent has this “common understanding” been honored since 1948? Up to 1966, as just noted, the UN human rights system did not seem to question the existence of an order *given* to the anthropological configuration of man and woman. Yet there were signs, right at the launch, of a potential for future cracks in the edifice. From the outset, feminists had introduced implicit ambivalence, thereby sowing the seeds for the future rights revolution. Virginia Gildersleeve, the only woman on

¹⁰ The quote continues as follows: “...but rather in the fact of existing – which gave rise to the inalienable right to live free from want and oppression and to fully develop one’s personality. In the Great Hall... there was an atmosphere of genuine solidarity and brotherhood among men and women from all latitudes, the like of which I have not seen again in any international setting” [History of the Declaration | United Nations].

¹¹ As Professor Piotr Mazurkiewicz puts it, “The laws contained in [the Universal Declaration] are undoubtedly understood as pre-political and founded on the universal nature of man”. Mazurkiewicz continues: “Since the very beginning, the Catholic Church emphasized the natural character of human rights, and at the same time pointed to the significant weakness of the Declaration, which is the lack of reference to God who is the guarantor of human dignity” [Mazurkiewicz 2019: 48].

¹² The preambles of both the CCPR and CESCR read: “Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.”

the US delegation to San Francisco, a practicing lesbian and a women's rights activist, pressed for "inclusive language" in the UN Charter. Her efforts significantly contributed to the insertion of the formulation "equal rights of men and women" in the preamble. Eleanor Roosevelt, the driving force behind the UDHR, had been connected, since the 1920s, to Margaret Sanger, who would, in 1952, found the International Planned Parenthood Federation (IPPF)¹³. Roosevelt supported birth control. The Commission on the Status of Women (CSW) owes its very creation to feminist activists¹⁴. Its foundational mandate was to promote, report on and monitor issues relating to the rights of women and one of its first tasks was to contribute to the drafting of the UDHR¹⁵. At its first meeting at Lake Success, New York, in February 1947, all 15 government representatives were women. Among them¹⁶, the American feminist Dorothy Kenyon¹⁷ was known as a birth control advocate in the 1920s. In the early 1970s, participating in the Women's Liberation Movement then being born, Kenyon turned into an abortion advocate. Even before the rise of second wave feminism in the 1960s, the key strategic women who advocated women's rights and introduced them in the UN mandate were, at least in part, supporting non-universal agendas.

Moreover, the CSW, through its historical cooperation with feminist organizations since its creation, has proven a major force in the quiet advent of global governance

¹³ "Evidently an advocate of birth control during the 1920s, Roosevelt had chaired the Legislative Committee of the influential Women's City Club, which supported Sanger's effort to gain passage of a birth control law. In 1928 she joined the Board of Directors of the American Birth Control League. Though her active participation in the ABCL was minimal, her willingness to lend her name to it surely added a significant dose of respectability to that organization. However, once FDR entered the White House Eleanor Roosevelt's public support for birth control became problematic. As FDR's administration was unwilling to support birth control, Eleanor Roosevelt muted her own opinion" [The Margaret Sanger Paper Project 1995].

¹⁴ As Virginia Gildersleeve relates it in her memoirs: "There was so much talk about this matter of the Commission on the Status of Women that most of us got very tired of it, and some of the men especially were inclined to say, 'Oh, let the women have their own commission and keep away from our meetings'" [Gildersleeve 1954: 352-53].

¹⁵ The insertion of new, "inclusive" language was the object of a political battle within the Commission. Some members argued against references to "men" as a synonym for humanity while others were in favor of maintaining the traditional language then in use. [United Nations Commission on the Status of Women].

¹⁶ On June 21, 1946, ECOSOC decided to confer upon the Sub-Commission on the Status of Women "the status of a full commission to be known as the Commission on the Status of Women". [Journal of the Economic and Social Council 1946].

¹⁷ Kenyon was a member of the CSW until 1950. In the 1950s and 60s, she worked for the American Civil Liberties Union. She was directly involved in the 1973 Roe vs Wade Supreme Court ruling.

within the UN. By global governance, let us understand the transformation of an *international* organization governed by sovereign states, juridically mandated to pursue the goals of the Charter, first and foremost peace and security, into the hub of a *global* state/non-state partnership regime self-mandated to implement an agenda coming from a minority of experts and non-state actors. The CSW was a powerhouse of internationalism, then of globalism¹⁸. From its inception it “forged a close relationship with non-governmental organizations” [Short history of the Commission on the Status of Women: 2]. It proactively *linked* feminist interests to international cooperation¹⁹. Eventually the feminist agenda of a few got mainstreamed throughout the UN system. It contributed to weave a novel synthesis, now reflected in Agenda 2030 and the SDGs, and in substantial ways breaking from the spirit of the UDHR.

From 1968 to the present: the rights revolution

In May 1968, two years after the adoption of the two major human rights covenants, at the very time the youth revolt unfolded in France, a first major UN conference took place in Tehran, celebrating the 20th anniversary of the UDHR. Tehran was groundbreaking. It launched a process linking the agenda of the sexual revolution to international cooperation. It thereby achieved a major break within the interpretation of universal human rights. Tehran linked the UN human rights’ mandate to a theme absent from the UDHR: birth control. Art. 16. of its Proclamation granted *parents* “a basic human right to determine freely and responsibly the number and the spacing of their children”. History tells us that John D. Rockefeller and the IPPF stood behind this revolutionary linkage [Birke 2018]. These two actors interpreted this novel right as one to contraception. In Tehran, they launched a rights revolution linking rights to hedonism, individualism and other ideological agendas.

At Bucharest in 1974, the first UN conference on population granted the right to birth control no longer to parents, but to *couples and individuals*. The UN

¹⁸ Bodil Begtrup, the Chairperson of the Sub-CSW, noted at the sub-commission’s first meeting: “Women’s problems have now for the first time in history to be studied internationally as such”. [Short History of the Commission on the Status of Women: 1]. Also: “Although composed, like the Commission on Human Rights, of government appointees, the CSW was closely linked with the women’s NGO community.” [Connors 1996: 151].

¹⁹ “The Commission members ... built close working relationships with the international human rights treaty bodies, the Commission on Human Rights, the Social Commission and the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, and specialized agencies such as UNESCO and UNICEF”. [Short History of the Commission on the Status of Women: 3].

henceforth increasingly applied the new right to *family planning outside* the framework of the family. Since Bucharest, the UN never again used the term “parents” in relation to the “right” to “family planning”: all successive UN conferences used the expression “right of couples and individuals”. Additionally, Bucharest mentioned *abortion* for the first time. The 1975 Mexico conference then linked contraception (and indirectly abortion²⁰) to the theme of *women’s rights*. The core content of women’s rights has, ever since Mexico, become irremediably *ambivalent*. From the 1970s there were no human rights advocates more vocal at the UN than feminist birth control and abortion lobbies.

The IPPF has enjoyed ECOSOC accreditation status since 1964²¹. Since its creation, it has presented itself as an uncontested defender of human rights. It has proven the agent *par excellence* of global governance’s rights’ revolution²². The IPPF aggressively partook, as an NGO, in all thematic UN conferences: beyond human rights, in the environmental, population and women’s conferences. The woman’s proclaimed “right to choose”, driving the IPPF’s interpretation of women’s rights, has been in a tug of war with motherhood, the feminine identity, the woman’s spousal identity, marriage and the family. All of the latter features of our universal human nature quietly started being perceived as social constructs, as discriminatory stereotypes to be deconstructed. The gender agenda began its political forward movement in the 1970s. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted in 1979, while not using the word *gender*, does refer twice to the notion of *stereotype*²³, which directly relates to the gender theory. Under the influence of lesbian activists, the gender term first penetrated the language of international cooperation at the UN’s third UN women’s conference in Nairobi in 1985, launching the quiet entanglement of women’s rights with the gender agenda.

²⁰ Mexico mentioned abortion twice, linking illegally-induced abortion to maternal mortality and morbidity. [United Nations 1975: 28 and 81].

²¹ See [Peeters 2023: chapters 4 and 5].

²² In 1982 the IPPF, active behind the scenes of UN conferences since 1968, held its first working session on the *right to family planning*.

²³ CEDAW Art. 10 (c): “The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods.” And Art. 5: “States Parties shall take all appropriate measures: (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.”

The 1994 Cairo population conference proclaimed a global consensus on the *reproductive rights* of all *couples and individuals*, with an emphasis on the rights of young people. The novel concept had been adopted two years before at a New Delhi meeting, where the IPPF celebrated its fortieth anniversary. Reproductive rights include the right “for all” to access the full range of contraceptive methods, safe abortion where it is legal, to *in vitro* fertilization as well as voluntary sterilization, to the exercise of sexuality within the framework of traditional marriage as well as outside marriage, to purely technical sexuality education. The ethics underpinning reproductive rights permits all within the framework of mutual consent and safety – except that of the unborn child.

When the UN celebrated the fiftieth anniversary of the UDHR in 1998 with the slogan “All human rights for all”, it was manifest that the leading agents of the new brave new world interpreted this slogan as including the novel rights introduced over the course of the UN conferences since 1968, even if these rights had not formally entered international law²⁴. “Universal human rights” had by then become the object of contradictory, socially divisive interpretations. In 1995, just after the Cairo conference, the IPPF adopted a Charter of Sexual and Reproductive Rights – a key strategic document of the global rights revolution spread throughout the world, translated into numerous languages. The Charter reinterpreted twelve rights drawn from the UN Bill of Rights and CEDAW, with the view to “demonstrating” that that these universal human rights allegedly contained sexual and reproductive rights.

A different interpretation of universality, as meaning *inclusive* of all lifestyles and individual choices, no matter how ideologically contradictory, expressed by means of a novel language, and celebrating such a “diversity”, now coexists with the original spirit of the UDHR within the human rights system. When instrumentalized to advance non-consensual interests, the principle of universality turns against the UDHR, into an arbitrary *Diktat* that is at once intellectually incoherent, socially conflictual and politically unsustainable. The rights revolution consisted in disconnecting rights from the unchangeable truth about human nature and tying them to the postmodern “right to choose” anything that has

²⁴ With the exception of the 2003 Maputo Protocol of the African Union, which includes the right to abortion in its Art. 14 2c: “State parties shall take all appropriate measures to protect the reproductive rights of women by authorising medical abortion in cases of sexual assault, rape, incest, and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the foetus.”

become socially permitted, even if openly denying universal truth. It ushered in today's post-truth universe. Many now have lost trust in the ability of the human reason and conscience to recognize what is true and good²⁵. Yet as Benedict XVI put it: "Without truth, without trust and love for what is true, there is no social conscience and responsibility, and social action ends up serving private interests and the logic of power" [Benedict 2009: 6].

The present cultural tendency is to claim as many rights as there are possible choices: the right to die or to choose one's death, the right not to be born, the right to a wanted child (assisted procreation), the right to suppress the child which is not wanted (the right to abortion), the right to sexual orientation, the right to modify religious texts deemed to be discriminatory, the right to feel good about oneself, the right to adoption for homosexual couples, the right to pleasure, the "right to know", the right to error, the right to "confidentiality" for adolescents, children's right to their own "opinion", the right to sex outside marriage... The right to choose became the cornerstone of global governance's ethic. Of course, there is always a choice to make. But the real choice is for or against what is discerned to be good and is therefore universal. Vatican II reminds us that "All men are bound to seek the truth..., and to embrace it and hold on to it as they come to know it". It proclaims that "these obligations bind man's conscience. Truth can impose itself on the mind of man only in virtue of its own truth, which wins over the mind with both gentleness and power" [Vatican II 1965: 1]. There can be no coercion of conscience in a genuine consensus, by nature freely and sincerely joined.

Over the course of the cultural and rights revolution since 1968, the words duties, human person, personality, conscience, reason, inherent, inalienable, spouse, parents, mother, father have tended to be quietly cancelled or sidelined within human rights vocabulary. By the end of the Cold War, the terms truth, good and evil, the law of nature, the common good had largely fallen by the wayside both in the language of Western societies and that of international cooperation.

²⁵ Although Habermas argued that universality could not be so easily dispensed with, the German philosopher proposed a discourse ethics that shifted the focus to discussion: "Au lieu d'imposer à tous les autres une maxime dont je veux qu'elle soit une loi universelle, je dois soumettre ma maxime à tous les autres afin d'examiner par la discussion sa prétention à l'universalité. Ainsi s'opère un glissement : le centre de gravité ne réside plus dans ce que chacun souhaite faire valoir, sans être contredit, comme étant une loi universelle, mais dans ce que tous peuvent unanimement reconnaître comme une norme universelle". [Habermas 1986 : 88].

The revolution resulted in a rights system that has become increasingly conflictual. The internal conflicts are not only unresolvable: they now threaten to confront humanity with the advent of a new form of global totalitarianism, should the right to conscientious objection be suppressed in the name of protecting the new rights. Pope Francis appeared to allude to such a threat in his January 9, 2023 address to the diplomatic corps: “In recent times, the various international forums have seen an increase in polarization and attempts to impose a single way of thinking, which hinders dialogue and marginalizes those who see things differently. There is a risk of drifting into what more and more appears as an ideological totalitarianism that promotes intolerance towards those who dissent from certain positions claimed to represent ‘progress’, but in fact would appear to lead to an overall regression of humanity, with the violation of freedom of thought and freedom of conscience” [Francis 2023]. In critical ways, the UN’s agenda for the 21st century has, since the 1990s, been a consensus on utopian anthropological constructs.

Perhaps the most telling sign of such a violation of thought and conscience is the ongoing battle between freedom of conscience and religious freedom on the one hand, and the rights to freedom from all forms of violence and discrimination based on sexual orientation and gender identity on the other. For some years, the UN has been consulting an independent expert on this issue, Victor Madrigal-Borloz from the Harvard human rights program. In his 2023 report to the UN Human Rights Council in Geneva last June 7th, Madrigal-Borloz *de facto* includes the “new rights” – reproductive rights, sexual rights, LGBT rights – in the corpus of universal human rights, as if these rights were not subversive. He also tends to place the ethos of human rights, thus understood, above the doctrinal teaching of religions, above the right of religions to freedom of education, above their legitimate autonomy, and above conscientious objection²⁶. Thus, at the level of global governance, a new “immanent transcendence” is being established, a new ethos that risks replacing universal morality and becoming binding, a new secularist universalism seeking, without admitting it, to neutralize transcendent truth.

²⁶ The last part of *Donum Vitae* (1987) establishes a certain number of principles regulating the relationship between Catholic morality and civil law. In order to maintain social peace in a country, the civil law may tolerate, for instance, in vitro fertilization, while Catholic theology establishes that civil law should not overlap with natural law or revealed law, and that the State must always guarantee conscientious objection.

Conclusion: do we really know what we mean by “rights of the person”?

To conclude, two anthropological perspectives have been in a tug of war for over 50 years as regards the interpretation of human rights. The advocates of non-universal agendas and novel rights, such as sexual and reproductive rights, have claimed to promote “people-centered development”. Their perspective on “people-centeredness”, however, is to be interpreted as centered, not on the human person according to the spirit of the UDHR, but on an abstract, nationally- and sexually-undifferentiated *individual*, holder of an absolutized right to choose. According to the other anthropological perspective, which has become that of the Catholic Church since John XXIII’s 1963 *Pacem in Terris*, there has been a will to put the human person at the center²⁷. The Polish pope has emphasized on countless occasions, notably his June 2nd, 1980 speech at the UNESCO, that rights pertain to the person: “Respect for the inalterable rights of the human person is at the basis of everything”. In *Centesimus Annus*, John Paul II establishes the source and synthesis of rights in religious freedom, “understood as the right to live in the truth of one’s faith and in conformity with one’s transcendent dignity as a person” [John Paul II 1991: 47]. When, prior to the adoption of the UDHR, Jacques Maritain reflected on rights, the French philosopher related them to the person endowed with a spiritual and transcendent nature [Lorenzini 2012].

But have the supporters of the “rights of the person” reached a common understanding of what the person is? Boethius’ definition of the person as “an individual substance of a rational nature” has contributed to shape Western thinking for centuries. This definition, however, lacked both the relational and bodily dimensions of the person. As Pope Francis reckons it in *Dilexit Nos*, “The heart has been ignored in anthropology... Many people feel safer constructing their systems of thought in the more readily controllable domain of intelligence and will. The failure to make room for the heart, as distinct from our human powers and passions viewed in isolation from one another, has resulted in a stunting of the idea of a personal centre, in which love, in the end, is the one reality that can unify all the others” (par. 10).

John Paul II recalls that “Being a person in the image and likeness of God ... involves existing in a relationship, in relation to the other “I”. This is a prelude to the definitive self-revelation of the Triune God: a living unity in the communion

²⁷ *Dignitatis Humanae* notes that “Contemporary man is becoming increasingly conscious of the dignity of the human person” (par. 1). See also the Compendium of the Catholic Church, chapter IV, par. 152-155.

of the Father, Son and Holy Spirit” [John Paul II 1988: 7]. Further in the same apostolic letter, the pope strongly declares: “Only a person can love and only a person can be loved. This statement is primarily ontological in nature, and it gives rise to an ethical affirmation. Love is an ontological and ethical requirement of the person. The person must be loved, since love alone corresponds to what the person is” [ibid: 29]. John Paul II thereby corrected the flaws in Boethius’ definition. An ontology of love has been lacking within the Western synthesis for centuries and may be the path to explore.

Although the international Bill of Rights founds itself on the dignity of the human *person*, what has been absent from the Western concept of rights and from human rights treaties is the notion of love, as if it did not belong to universal human nature that the person should be made for love. The Western modern synthesis globally imposed itself as universal over the last two centuries while missing critical ingredients of our universal human identity. It excluded the father, truth, love, happiness, the heart, God – words that are conspicuously absent from human rights treaties²⁸. Their absence betrays the influence of the spirit of the French revolution upon the development of human rights since 1789. It reflects the cold character of the modern social contract, which founded universality on the equal rights of the *citizen-individual*. As a result of secularization, Western modernity disregarded our universal and transcendent filial identity at the core of our human identity. Developing an ontology of love and working on a reconciliation between the citizen and the person made for love, from which the citizen has tended to be divorced since the Enlightenment, may now be the task at hand.

²⁸ With the exception of the preamble of the *Convention on the Rights of the Child* (CRC), which contains one use of the words *happiness* and *love*. CRC preamble: “Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding”.

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